

House File 2439 - Reprinted

HOUSE FILE 2439

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 2408)

(SUCCESSOR TO HSB 627)

(As Amended and Passed by the House March 23, 2016)

A BILL FOR

1 An Act relating to the distribution and permissible
2 expenditures of the emergency communications service
3 surcharge and the duties of the E911 communications council.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 34A.7A, subsection 2, Code 2016, is
2 amended to read as follows:

3 2. Moneys collected pursuant to subsection 1 and section
4 34A.7B, subsection 2, shall be deposited in a separate E911
5 emergency communications fund within the state treasury
6 under the control of the program manager. Section 8.33 shall
7 not apply to moneys in the fund. Moneys earned as income,
8 including as interest, from the fund shall remain in the fund
9 until expended as provided in this section. Moneys in the fund
10 shall be expended and distributed in the following priority
11 order:

12 a. An amount as appropriated by the general assembly to the
13 director shall be allocated to the director and program manager
14 for implementation, support, and maintenance of the functions
15 of the director and program manager and to employ the auditor
16 of state to perform an annual audit of the E911 emergency
17 communications fund.

18 b. (1) The program manager shall allocate to each joint
19 E911 service board and to the department of public safety a
20 minimum of one thousand dollars per calendar quarter for each
21 public safety answering point within the service area of the
22 department of public safety or joint E911 service board that
23 has submitted an annual written request to the program manager
24 in a form approved by the program manager by May 15 of each
25 year.

26 (2) The amount allocated under this paragraph "b" shall be
27 sixty percent of the total amount of surcharge generated per
28 calendar quarter allocated as follows:

29 (a) Sixty-five percent of the total dollars available for
30 allocation shall be allocated in proportion to the square miles
31 of the service area to the total square miles in this state.

32 (b) Thirty-five percent of the total dollars available for
33 allocation shall be allocated in proportion to the wireless
34 E911 calls taken at the public safety answering point in
35 the service area to the total number of wireless E911 calls

1 originating in this state.

2 (c) Notwithstanding subparagraph divisions (a) and (b), the
3 minimum amount allocated to each joint E911 service board and
4 to the department of public safety shall be no less than one
5 thousand dollars for each public safety answering point within
6 the service area of the department of public safety or joint
7 E911 service board.

8 (3) The funds allocated in this paragraph `b` shall be
9 used by the public safety answering points for the receipt and
10 disposition of 911 calls.

11 ~~b.~~ c. From July 1, 2013, until June 30, 2026, the program
12 manager shall allocate ten percent of the total amount of
13 surcharge generated to wireless carriers to recover their costs
14 to deliver E911 phase 1 services. If the allocation in this
15 paragraph is insufficient to reimburse all wireless carriers
16 for such carrier's eligible expenses, the program manager
17 shall allocate a prorated amount to each wireless carrier
18 equal to the percentage of such carrier's eligible expenses as
19 compared to the total of all eligible expenses for all wireless
20 carriers for the calendar quarter during which such expenses
21 were submitted. When prorated expenses are paid, the remaining
22 unpaid expenses shall no longer be eligible for payment under
23 this paragraph.

24 ~~c.~~ d. The program manager shall reimburse communications
25 service providers on a calendar quarter basis for carriers'
26 eligible expenses for transport costs between the selective
27 router and the public safety answering points related to the
28 delivery of wireless E911 phase 1 services and the integration
29 of an internet protocol-enabled next generation 911 network.

30 ~~d.~~ e. The program manager shall reimburse wire-line
31 carriers and third-party E911 automatic location information
32 database providers on a calendar quarterly basis for the
33 costs of maintaining and upgrading the E911 components and
34 functionalities beyond the input to the E911 selective router,
35 including the E911 selective router and the automatic location

1 information database.

2 ~~e. (1) The program manager shall allocate to each joint~~
3 ~~E911 service board and to the department of public safety a~~
4 ~~minimum of one thousand dollars per calendar quarter for each~~
5 ~~public safety answering point within the service area of the~~
6 ~~department of public safety or joint E911 service board that~~
7 ~~has submitted an annual written request to the program manager~~
8 ~~in a form approved by the program manager by May 15 of each~~
9 ~~year.~~

10 ~~(2) The amount allocated under this paragraph "e" shall be~~
11 ~~forty-six percent of the total amount of surcharge generated~~
12 ~~per calendar quarter allocated as follows:~~

13 ~~(a) Sixty-five percent of the total dollars available for~~
14 ~~allocation shall be allocated in proportion to the square miles~~
15 ~~of the service area to the total square miles in this state.~~

16 ~~(b) Thirty-five percent of the total dollars available for~~
17 ~~allocation shall be allocated in proportion to the wireless~~
18 ~~E911 calls taken at the public safety answering point in~~
19 ~~the service area to the total number of wireless E911 calls~~
20 ~~originating in this state.~~

21 ~~(c) Notwithstanding subparagraph divisions (a) and (b), the~~
22 ~~minimum amount allocated to each joint E911 service board and~~
23 ~~to the department of public safety shall be no less than one~~
24 ~~thousand dollars for each public safety answering point within~~
25 ~~the service area of the department of public safety or joint~~
26 ~~E911 service board.~~

27 ~~(3) The funds allocated in this paragraph "e" shall be~~
28 ~~used for communication equipment utilized by the public safety~~
29 ~~answering points for the implementation and maintenance of E911~~
30 ~~services.~~

31 f. The department of homeland security and emergency
32 management may, in a reserve account established within the
33 E911 emergency communications fund, credit each fiscal year
34 an amount of up to twelve and one-half percent of the annual
35 emergency communications service surcharge collected pursuant

1 to subsection 1 and the prepaid wireless E911 surcharge
 2 collected pursuant to section 34A.7B, subsection 2. However,
 3 the moneys contained in such reserve account shall not exceed
 4 twelve and one-half percent of the total surcharges collected
 5 for each fiscal year. Moneys credited to the reserve account
 6 shall only be used by the department for the purpose of
 7 repairing or replacing equipment in the event of a catastrophic
 8 equipment failure, as determined by the director.

9 ~~£. g.~~ (1) If moneys remain in the fund after fully paying
 10 all obligations under paragraphs "a", "b", "c", "d", and "e",
 11 and "f", the remainder ~~may be accumulated in the fund as a~~
 12 ~~carryover operating surplus.~~ shall be expended and distributed
 13 in the following priority order:

14 (a) (i) The E911 communications council may provide a grant
 15 to any public safety answering point agreeing to consolidate.
 16 For purposes of this subparagraph division, "consolidate" means
 17 the consolidation of all public safety answering point systems,
 18 functions, enhanced 911 service areas, and physical facilities
 19 of two or more public safety answering points, resulting in the
 20 consolidated public safety answering point being responsible
 21 for all call answering and dispatch functions for the combined
 22 enhanced 911 service area, or the consolidation of two or
 23 more public safety answering points utilizing shared services
 24 technology to combine public safety answering point systems,
 25 including but not limited to 911 call processing equipment,
 26 computer-aided dispatch, mapping, radio, and logging recorders.
 27 Such a grant to a public safety answering point shall not
 28 exceed one-half of the projected cost of consolidation, or two
 29 hundred thousand dollars, whichever is less.

30 (ii) The grant program established in this subparagraph
 31 division shall expire on June 30, 2022.

32 (iii) The director, in consultation with the program
 33 manager and the E911 communications council, shall adopt rules
 34 governing the eligibility for and the E911 communications
 35 council's distribution of grants to public safety answering

1 points pursuant to this subparagraph division.

2 **(b)** The program manager, in consultation with the E911
3 communications council, shall allocate an amount, not to exceed
4 one hundred thousand dollars per fiscal year, for development
5 of public awareness and educational programs related to the
6 use of 911 by the public, educational programs for personnel
7 responsible for the maintenance, operation, and upgrading of
8 local E911 systems, and the expenses of members of the E911
9 communications council for travel, monthly meetings, and
10 training, provided, however, that the members have not received
11 reimbursement funds for such expenses from another source.

12 **(c)** The program manager shall allocate remaining
13 ~~surplus shall be used to fund future network and public~~
14 ~~safety answering point improvements for moneys equally to~~
15 public safety answering points. Funds allocated under this
16 subparagraph division shall be used for the following costs:

17 **(i)** Costs related to the receipt and disposition of
18 911 calls, including hardware and software for an internet
19 protocol-enabled next generation 911 network,~~and wireless~~
20 ~~carriers' transport costs related to wireless E911 services, if~~
21 ~~those costs are not otherwise recovered by wireless carriers~~
22 ~~through customer billing or other sources and approved by the~~
23 ~~program manager in consultation with the E911 communications~~
24 ~~council.~~

25 **(ii)** Local costs related to access the state's
26 interoperable communications system.

27 **(2)** Notwithstanding **section 8.33**, any moneys remaining in
28 the fund at the end of each fiscal year shall not revert to the
29 general fund of the state but shall remain available for the
30 purposes of the fund.

31 ~~g.~~ h. The director, in consultation with the program
32 manager and the E911 communications council, shall adopt
33 rules pursuant to **chapter 17A** governing the distribution of
34 the surcharge collected and distributed pursuant to this
35 subsection. The rules shall include provisions that all joint

1 E911 service boards and the department of public safety which
2 answer or service wireless E911 calls are eligible to receive
3 an equitable portion of the receipts.

4 Sec. 2. Section 34A.15, Code 2016, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 3A. The council may provide grants, subject
7 to available moneys in the E911 emergency communications fund,
8 to public safety answering points agreeing to consolidate
9 pursuant to section 34A.7A, subsection 2, paragraph "g".

10 Sec. 3. STUDY OF CONSOLIDATION OF PUBLIC SAFETY ANSWERING
11 POINTS. The department of homeland security and emergency
12 management shall conduct a study to determine how public safety
13 answering points can be consolidated to achieve operational
14 and cost efficiencies. The study shall also review sections
15 34A.7 and 34A.7A to determine the most efficient method
16 of distributing surcharge revenues to support a network of
17 consolidated public safety answering points. The department
18 shall submit a report containing the results of the study no
19 later than January 15, 2017.